

The embodiment of Lee shows a housing comprised of a top portion and bottom portion in flush contact with each other, see fig. 3A of patent drawings.

The housing of Lee would have to be modified in order to incorporate the hinge and engagers of Chandler since a hinge and engager would cause a gap between the flush contact of the top and bottom halves of the housing of Lee. Unless modified to prevent this gap, the efficacy of the device shown by Lee would be lessened because the analyte test strips would not be secure and stable within the housing thereby negatively affecting potential test outcomes.

Embodiment of Applicant's Device Addresses This

The embodiment of the casing proposed by the Applicant demonstrates a superior invention that anticipates the need for changing the test strips and cleaning the casing by providing a feasible design that employs a latch, turning joint, and related parts.

Applicant's Embodiment is Patentable Over the Combined References of Lee and Chandler Because the References Don't Anticipate Each Other

Applicant respectfully concludes, therefore, that a strained interpretation of the references was made and could only be made in hindsight since each reference is complete and functional in itself and lacks any reason to use parts from the other.

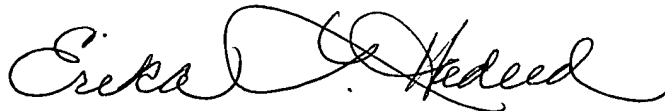
Up to now those skilled in the art never appreciated the advantage of the casing design proposed by the Applicant, and the Applicant submits, therefore, that the fact that those skilled in the art have not implemented the latch and related parts of the Applicant's design into other embodiments – despite its greater advantages – indicates that the design is not obvious.

Claims 1-6 Rejected Under Section 112

The Applicant has made an unassisted and unsuccessful attempt to draft clear and defined claims as submitted under claims 1-6 in the above-cited application. Because of inexperience and intimidation by the process, the Applicant humbly and respectfully

solicits assistance from the Examiner pursuant to M.P.E.P. section 2173.02 and section 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Most respectfully,

A handwritten signature in cursive script, reading "Erika L. Hadeed". The signature is fluid and stylized, with the first and last names being more prominent.

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Certificate of Mailing

I hereby certify that this correspondence, and attachment, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Box Non-Fee Amendments, Assistant Commissioner for Patents, Washington, DC 20231" on the date below.

Date: 2004 Sep 29

Inventor's Signature:

A handwritten signature in cursive script, reading "Erika L. Hadeed". This signature is identical to the one above the name.